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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/648,665 | 08/26/2003 | Arnon Alexander | 10816-6US | 3924 |
| 570 | 7590 | 07/01/2005 | EXAMINER | |
| AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103 | | | LUGO, CARLOS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,665

Applicant(s)

ALEXANDER ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 4 and 7 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on April 8, 2005.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gap as claimed in claim 1 line 2 and the difference in distance as claimed in claim 1 lines 18-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1 and 2 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the predetermined distance greater than the gap and less than a distance from the retracted auxiliary latch position to the extended auxiliary latch position" in lines 18-20. It is unclear what the applicant is trying to claim as his invention with the inclusion of this limitation. According to the claim language, the predetermined distance is based on the distance between the extended auxiliary latch position (claim 1 lines 15 and 16). Having clear to which distance the applicant is referring too; then, how this predetermined distance is less from itself?

In order to continue with the examination, the limitation will not be treated or examined until the applicant provides an appropriate correction, explanation and illustration.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1,5,6 and 8 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,941,581 to Heithe.

Regarding claims 1,5,6 and 8, Heithe discloses an automatic deadbolt mechanism comprising a deadbolt (3). The deadbolt (3) is movable between a retracted deadbolt position and an extended deadbolt position. The deadbolt is biased in the extended deadbolt position (by means of spring 39).

An auxiliary latch (5) is movable between a retracted auxiliary-latch position and an extended auxiliary-latch position. The auxiliary latch is biased in the extended auxiliary-latch position (by means of spring 25).

A trigger (9) is movable between a first trigger position and a second trigger position. The trigger is biased in the first trigger position (by means of spring 13).

The trigger (9) is operatively coupled to the deadbolt (3) and to the auxiliary latch (5). The trigger is configured to be in the first trigger position when the auxiliary latch is in the extended auxiliary-latch position (Figure 1) and in the second trigger position when the auxiliary latch is in the retracted auxiliary-latch position (Figure 4), to cause a first movement of the deadbolt from the retracted deadbolt position to the extended deadbolt position when the trigger moves from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary latch position toward the extended auxiliary-latch position before the trigger is able to cause a second movement of the deadbolt.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 1,2,5,6 and 8 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,578,888 to Fayngersh et al (Fayngersh).

Regarding claims 1,5,6 and 8, Fayngersh discloses an automatic deadbolt mechanism comprising a deadbolt (36). The deadbolt (36) is movable between a retracted deadbolt position and an extended deadbolt position. The deadbolt is biased in the extended deadbolt position (by means of spring 64).

An auxiliary latch (40) is movable between a retracted auxiliary-latch position and an extended auxiliary-latch position. The auxiliary latch is biased in the extended auxiliary-latch position (by means of spring 146).

A trigger (110) is movable between a first trigger position and a second trigger position. The trigger is biased in the first trigger position (by means of spring 134).

The trigger is operatively coupled to the deadbolt and to the auxiliary latch. The trigger is configured to be in the first trigger position when the auxiliary latch is in the extended auxiliary-latch position (Figure 2) and in the second trigger position when the auxiliary latch is in the retracted auxiliary-latch position (Figures 3 and 4), to cause a first movement of the deadbolt from the retracted deadbolt position to the extended deadbolt position when the trigger moves from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary latch position toward the extended auxiliary-latch position before the trigger is able to cause a second movement of the deadbolt.

As to claim 2, Fayngersh discloses that the deadbolt mechanism further comprises a deadbolt holding lever (68) biased in a first deadbolt holding-lever position and pivotable between the first deadbolt holding-lever position and a second deadbolt holding-lever position. The deadbolt-holding lever is configured to releasably retain the deadbolt in the retracted deadbolt position when the deadbolt-holding lever is in the first deadbolt holding-lever position (Figure 6).

A release lever (150) is biased in a first release-lever position and pivotable between the first release-lever position and a second release-lever position (by means of the spring 156). The release lever is configured to cause the deadbolt-holding lever (68) to pivot from the first deadbolt-holding-lever position toward the

second deadbolt-holding-lever position when the release lever pivots from the first release-lever position toward the second release-lever position.

The trigger (110) is operatively coupled to the release lever (150) and is configured to cause a first pivot of the release lever from the first release-lever position to the second release-lever position when the trigger pivots from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary-latch position toward the extended auxiliary-latch position before the trigger is able to cause a second pivot of the release lever.

Allowable Subject Matter

9. **Claims 3,4 and 7 are allowed.**

Response to Arguments

10. Applicant's arguments filed on April 8, 2005 have been fully considered but they are not persuasive.

The applicant argues that neither Heithe nor Fayngersh discloses that predetermined distance is greater than the gap and less than a distance from the retracted auxiliary latch position to the extended auxiliary latch position. However, as recited above, see 112nd paragraph rejection, it is unclear what the applicant is claiming by this limitation. Therefore, until the applicant give an appropriate explanation and illustration of what is the invention claimed by this new limitation, claim and arguments were treated as best understood. Therefore, as best understood by the examiner, the prior art meets this limitation.

As to applicant's arguments that neither Heithe nor Fayngersh discloses the invention claimed in new claim 8 (Page 14 Line 4), Heithe and Fayngersh discloses the invention as claimed in claim 8.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.C.
Carlos Lugo
AU 3676

June 22, 2005.


BRIAN E. GLESSNER
PRIMARY EXAMINER